

Wilson County Board of Zoning Appeals Minutes
January 16, 2020

The Wilson County Board of Zoning Appeals met January 16, 2020 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Abercrombie, Thorne, Neal, Kawczynski. Also, present was County Planning staff, Building Inspector staff, Storm Water staff, County Attorney Mike Jennings and Court Reporter Teresa Hatcher, hired by the county.

A temporary chairman was voted in, on motion of Neal, second by Thorne and all voting aye, Kawszynski was voted in as temporary chairman.

Kawczynski called the meeting to order. Kawczynski informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Kawczynski informed individuals that anyone desiring to withdraw or request deferral could do so at this time. Kawczynski informed everyone that a stenographer was present and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Kawczynski then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each and every one of the prospective witnesses. Kawczynski stated that staff makes recommendations which are considered by the Board.

Minutes of the December 19, 2019 meeting were read and approved, motion made by Thorne, second by Neal and all voting aye.

The following cases were presented:

CASE 3749

REQUEST: Jennifer Toothman is seeking to establish a pet grooming salon on R-1 Residential zoned property. The salon will be in the existing structure and will use the existing parking area. The property located at 3431 Beckwith Road is Parcel 63 on Wilson County Tax Map 71. Applicant is also seeking a variance of approximately thirty-one thousand and forty-one (31,041) square feet from the lot size requirement of forty thousand (40,000) square feet and a variance of five (5) feet from the lot width requirement of one hundred and twenty-five (125) feet. The property consists of approximately eight thousand, nine hundred and fifty-nine (8,959) square feet.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL – J. Other similar uses as reviewed and approved by the Board of Zoning Appeals. E. LOT WIDTH - 3. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line. F. MINIMUM LOT AREA - 4. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations. Applicant appeared presenting her request. Mr.

Toothman also appeared and spoke on the request. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was denied based on staff recommendations.

CASE 3750

REQUEST: **Randolph Moore** is requesting a sixty (60) day extension in order to complete construction on the addition he is making to his existing house. The permit was applied for on April 11, 2017 and the last inspection was September 25, 2017. The board approved a six (6) month extension on February 21, 2019. The property located at 2161 Benders Ferry Road, Lot 1, Himes Subdivision is Parcel 35.01 on Wilson County Tax Map 32. The property consists of 2.45 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 6 ADMINISTRATION, ENFORCEMENT AND INTERPRETATION - SECTION 6.20 BUILDING PERMITS, SITE PLAN REQUIREMENTS AND CERTIFICATES OF COMPLIANCE - 6.20.02 A building permit shall become void twelve (12) months from the date of issuance by the Building Inspector or the date an appeal is granted by the Board of Zoning Appeals, unless substantial progress has been made within those twelve (12) months on the project described therein. Substantial progress shall be determined by the request for and approval of subsequent required inspections from and by the Building Inspector respectively. In no case shall an active building permit for a residential dwelling last longer than 24 months without having received a certificate of compliance or other final approval as outlined within the Wilson County Zoning Resolution. If a permit recipient for a residential dwelling perceives that his construction project may last longer than 24 months, then special relief or variance from this provision will be required and the permit recipient will need to seek such relief from the Wilson County Board of Zoning Appeals. (resolution 18-11-13)

ACTION: Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Neal, second by Thorne and all voting aye, the request was approved for a sixty (60) day extension.

CASE 3751

REQUEST: **Neal German** is seeking to establish a contractor's storage yard on R-1 Residential zoned property. The property located at 7737 Hickory Ridge Road, Lot 3B, Goolsby Property is Parcel 39.06 on Wilson County Tax Map 78. The property consists of 4.23 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL – J. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

ACTION: Staff read recommendations. Application appeared presenting his request. Doug Carver, area property owner appeared and spoke against the request. After discussion, motion made by Neal, second by Thorne and all voting aye, the request was denied based on staff recommendations and testimony given.

CASE 3752

REQUEST: **Zachary Guzman** is seeking to establish a legal lot of record. The property became of record on March 19, 1983 and a boundary survey was recorded on

January 20, 2017. The property located at 3031 Vesta Road, Lot 1, Elaine Gribbons Property is Parcel 25.01 on Wilson County Tax Map 137. The property consists of 1.93 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

ACTION: Staff read recommendations. Attorney Andy Wright appeared on behalf of the applicant presenting the request. After discussion, motion made by Kawczynski, Second by Neal and all voting aye, the request was approved based on the facts the lot meets the standards of a legal lot and the improper actions of previous property owners.

CASE 3753

REQUEST: Jack Clark is seeking a variance of three (3) feet from the front yard setback requirement of thirty (30) feet on Sanford Drive. The variance will allow the accessory structure to be built twenty-seven (27) feet from the front property line on Sanford Drive. The property located at 2044 Sanford Drive, Lots 39, 40 and 41 (combined by plat), Tradewinds Subdivision is Group "B", Parcel 25 on Wilson County Tax Map 32 "G". The property consists of 1.22 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan: 3. Minor Streets - thirty (30) feet

ACTION: Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Neal, second by Thorne and all voting aye, the request was approved based on the property being a corner lot and extenuating circumstances.

CASE 3754

REQUEST: Christopher Ring is seeking to establish a legal lot of record. The property became of record on April 29, 1981. The property located at 1141 Hamilton Chambers Road is Parcel 9.09 on Wilson Tax Map 37. The property consists of approximately forty-three thousand, one hundred (43,100) square feet and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

ACTION: Staff read recommendations. Applicant appeared presenting his case. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the

request was approved subject to a plat or boundary survey being recorded before the final inspection.

CASE 3755

REQUEST: Adam Yates is seeking a variance of five (5) feet from the easement width requirement of thirty (30) feet. The property utilizes an easement of twenty-five (25) feet that became of record in 1962. The property located at 406 Benders Ferry Road is Parcel 60 on Wilson County Tax Map 49. The property consists of two (2) acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line. A lot with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac lot must continuously abut the street for at least thirty (30) feet; the lot must be a minimum of thirty (30) feet in width to the building setback line. This section shall not apply to a lot of record (previously existing), with an easement of at least thirty (30) feet in width to a public street.

ACTION: Staff read recommendations. Applicant appeared presenting his request. Ernest Dickens appeared with questions and concerns speaking on the behalf of his parents. Ruby Dickens appeared and asked questions. After discussion, motion made by Neal, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

Secretary